

**REMARKS/DISCUSSION:**

This Amendment A is being filed within three months after the shortened statutory period for response that ended on January 14, 2006. Accordingly, a Petition for a Three-Month Extension of Time is made a part of the transmittal letter filed herewith.

By this Amendment A, claims 1-15 are pending in this application.

Applicant has carefully studied the outstanding Office Action. This Amendment is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

**Rejection under 35 U.S.C. § 102(b)**

**Claims 1-3, 5, 9, 10 and 14** stand rejected as being anticipated by Hickie (US Patent no. 6,745,764) as noted in the Office Action.

Applicant(s) respectfully transverses the Examiner's rejection of the Claims over Hickie because, according to Applicant's understanding, the Hickie reference neither teaches nor suggests the elements of the Applicant's invention. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See for example MPEP 2131.

With respect to claim 1, Applicant is unable to locate any disclosure within the Hickie reference relating to a "personalized message". The Examiner, however, states relative to the comments directed to claims 2 and 14 that "Examiner is contending that the personalized message is the specific information about the patient that the displayed [sic] on the display device directly from the inputs."

It is well known that during examination, the claims must be interpreted as broadly as their terms reasonable allow. *In re American Academy of Science*

*Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004). Words of the claim, however, must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In the instant application, Applicant has clearly noted the scope of a personalized message in paragraph 141:

It is known in conscious sedation that when a patient is sedated and receives an audio stimulus request, the patient is more responsive to the audio request when there is a personalized message, **the personalized message having a voice, word, phrase or sound with which the patient is familiar especially one which has a personal association or is emotionally evoking with the patient. Examples of personalized messages that the patient is more responsive to include a message addressing the patient by his name or a message using a voice that the patient is familiar with such as a family member or a doctor. Other examples of messages may be sounds that are attention-getting with a particular focus from the patient's perspective such as a dog bark or a siren.**

(Emphasis added).

Furthermore, a personalized *message* should not be confused with personal *information*. In the Office Action the Examiner equates "specific *information* about the patient that the displayed [sic] on the display device *directly from the inputs.*" (Emphasis added). This is not what Applicant has disclosed or claimed as the meaning of "personalized message". The Examiner cannot give such a broad interpretation to "personalized message" to include personal information obtained from patient sensors as a result of Applicant's clear disclosure of the meaning of "personalized message". Reconsideration is requested.

Rejection under 35 U.S.C. § 103

Claims 7, 8, 11, 12 and 15 stand rejected as being unpatentable over Hickie in view of Sobel (US Pub. No. 20030216940). Based on the previous discussions, neither Hickie nor Sobel, alone or in combination, disclose or suggest the claimed invention. Reconsideration is requested.

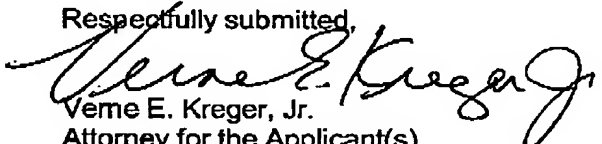
**Conclusion**

Applicant submits that in view of the discussion, the rejections under 35 U.S.C. §§ 102(b) and 103 have been overcome and that the invention is now patentable over the cited prior. The Examiner is respectfully requested to reconsider all rejections and pass this case to issue.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, which may be required to Account No. 10-0750/END-5032/VEK.

Respectfully submitted,

  
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